

### REMARKS/ARGUMENTS

As stated above, Applicants elect Species I, shown in FIG. 1 with claims 1-4 and 9-16 readable thereon, for further prosecution including claims 1 and 9-16 being generic and respectfully traverse the requirement for restriction for the following reasons:

It is believed that any search for the species embodied in FIG. 1 would necessarily include a search for the species embodied in FIG. 2. Thus, the simultaneous search for both species is believed not to constitute an unreasonable search for the Patent Examiner.

In addition, it is believed that the objectives of streamlined examination and compact prosecution would be promoted if a search were conducted simultaneously for both species. Also, the necessity of filing multiple patent applications in this case does not serve to promote the public interest because of the extra expense that is involved, in filing fees and examination costs, as well as the burden upon the public, due to the necessity of searching through a multiplicity of patent files in order to find the complete range of the subject matter claimed

in several different patents that could otherwise be found in one issued patent only.

Applicants reserve the right to file a divisional application for the non-elected species.

For all these reasons, it is respectfully requested that the restriction requirement under 35 U.S.C. 121 be withdrawn and that an action on the merits of all the claims be rendered.

Respectfully submitted,  
Manfred NIEDERHÜENER ET AL

  
Frederick J. Dorchak, Reg.No.29,298  
Edward R. Freedman, Reg.No.26,048  
Attorneys for Applicants

COLLARD & ROE, P.C.  
1077 Northern Boulevard  
Roslyn, New York 11576  
(516) 365-9802

FJD:cmm

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 8, 2008.

  
Amy Klein